



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants: **Adrian FREED, Todd HODES, John HAUSER**

Atty. Doc.: **UCB11(B96-033-2)**

Serial No. **09/521,641**

Filed: **March 8, 2000**

Group Art Unit: **2644**

Confirmation No.: **1451**

Examiner: **Andrew R. GRAHAM**

Title: **Apparatus and Method of Additive Synthesis of
Digital Audio Signals Using a Recursive Digital
Oscillator**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

**Declaration of George Wolken, Jr.
Pursuant to 35 C.F.R. § 1.132**

I, the undersigned George Wolken, Jr., hereby declare and
affirm as follows:

1. I am a patent attorney registered to practice before
the United States Patent and Trademark Office ("USPTO"), Reg.
No. 30,441, and Of Counsel with the firm of Michaelson &
Associates, USPTO Customer No. 007265.

2. On or about March 25, 2004, the firm of Michaelson &
Associates was retained by the Regents of the University of
California on behalf of the University of California-Berkeley

("UC-B") to prosecute the above-identified patent application, and I was designated lead attorney to handle this matter. A US patent application had been filed March 8, 2000 and had received application serial number 09/521,641 ('641) as more fully described in the heading of this document. The '641 application had been filed naming Adrian Freed and Todd Hodes as joint inventors. I was requested by officials of UC-B to investigate, and correct if necessary, the designation of inventorship on the '641 application as part of my prosecution of the '641 application in the USPTO.

3. Personal interviews were conducted with Adrian Freed and Todd Hodes. Telephone interviews were conducted with John Hauser and administrative officials of UC-B who had supervised prosecution of the '641 application before my entering the case. Dr's Freed and Hodes had been most intimately connected with the facts and circumstances surrounding the present invention and their recollection was judged to be most reliable and knowledgeable. Due to the passage of time, the recollection of others less directly involved with the present invention was given less weight.

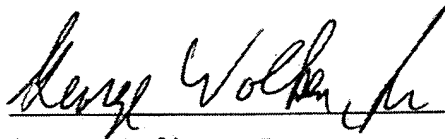
4. Based on the facts and circumstances surrounding the present invention as ascertained from the recollections of the participants and from the documentary record in the files of UC-B and those of our predecessor attorneys, it was concluded that the correct inventorship for the '641 is Freed, Hodes and Hauser. Correction of inventorship pursuant to 35 U.S.C. § 256 was undertaken to add John Hauser.

5. Specific inquiry was made concerning the possible joint inventorship of John Wawrzynek and David Wessel in light of their co-authorship along with the above joint inventors on certain publications, including "A Fixed-Point Recursive

digital Oscillator for Additive synthesis of Audio" IEEE International Conference on Acoustics, Speech and Signal Processing, 15-19 March 1999. It was concluded that the contributions of Wawrzynek and Wessel were in the nature of providing general background in the field, overall management and general supervision of the research endeavor, and activities not meeting the criteria for joint inventorship pursuant to 35 U.S.C. § 116 and related regulations and case law. It was further ascertained that the customary criteria and etiquette for co-authorship in the field allowed wide discretion in co-authorship and frequently included as co-authors persons whose contribution to the research would not qualify for joint inventorship under statute. Thus, it was concluded that the proper inventorship on the '641 application is Freed, Hodes and Hauser.

6. All statements made herein are made based upon information and belief, and are believed to be true, and that this declaration is made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Subscribed this 5th Day of December, 2005.


George Wolken, Jr.